

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-22203-CV-WILLIAMS

KARLA COLARTE,

Plaintiff,

v.

CARNIVAL CORPORATION,

Defendant.

ORDER


THIS MATTER is before the Court on U.S. Magistrate Judge Jonathan Goodman’s Report and Recommendation (DE 21) (“**Report**”) on Defendant’s Motion to Dismiss Complaint (DE 11) (“**Motion**”). In the Report, Magistrate Judge Goodman recommends that the Court grant in part and deny in part Defendant’s Motion, with leave for Plaintiff file an amended complaint. (DE 21 at 2–3.) Specifically, the Report finds that Plaintiff insufficiently alleged facts to support her claims regarding negligence (“**Count I**”), negligent failure to warn (“**Count II**”), but sufficiently alleged facts to support her claim of negligent failure to provide medical care (“**Count III**”), which, if proven, could justify punitive damages. (*Id.* at 9–23.) No objections were filed to the Report, and the time to do so has passed.

Upon an independent review of the Report, the Motion, the record, and applicable law, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Jonathan Goodman’s Report and Recommendation (DE 21) is **AFFIRMED AND ADOPTED**.

2. Defendant's Motion to Dismiss Complaint (DE 11) is **GRANTED IN PART AND DENIED IN PART**.
3. Count I and II of Plaintiff's Complaint are **DISMISSED** without prejudice.
4. On or before **September 13, 2024**, Plaintiff may file an amended complaint that remedies the defects identified in the Complaint.

DONE AND ORDERED in Chambers in Miami, Florida on this 9th day of September, 2024.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE